THE HONORABLE MARY JO HESTON 1 **CHAPTER 13 HEARING DATE: April 9, 2019** 2 **HEARING TIME: 1:00 P.M.** LOCATION: Tacoma, Washington 3 **RESPONSE DATE: April 2, 2019** 4 5 6 7 8 9 IN THE UNITED STATES BANKRUPTCY COURT FOR THE 10 WESTERN DISTRICT OF WASHINGTON AT TACOMA 11 12 In re: Case No.: 17-44448-MJH 13 LYNNE MICHELLE GADBOW, NOTICE OF AND MOTION FOR DISMISSAL PURSUANT TO 11 U.S.C. § 1307(c) 14 Debtor. 15 16 **NOTICE** 17 YOU ARE HEREBY NOTIFIED that a hearing on Trustee's Motion to Dismiss will 18 be heard before the Honorable Mary Jo Heston at 1:00 P.M. on April 9, 2019, at the U.S. 19 Bankruptcy Courthouse, 1717 Pacific Avenue, Courtroom H, Tacoma, WA 98402. 20 **IF YOU OPPOSE** this motion, you must file your written response with the Court 21 Clerk and deliver copies on the undersigned and all interested parties, NOT LATER THAN 22 THE RESPONSE DATE, which is **April 2, 2019**. You should also appear at the time of 23 hearing. If you fail to do so, the Court may enter an order granting the motion without any 24 hearing and without further notice. 25 Michael G. Malaier

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MOTION

COMES NOW, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

- Debtor filed this case on November 30, 2017. The case was confirmed by order of the Court on February 2, 2018.
- Pursuant to the confirmed plan, Debtor is required to make plan payments of \$450.00 twice
 per month. Debtor is presently delinquent in plan payments in the amount of \$4,050.00,
 supported by the Declaration filed herewith.
- 3. Debtor has defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan payments.

WHEREFORE the Trustee prays that this case be dismissed and closed.

DATED this 13th day of March, 2019 at Tacoma, Washington.

Matthew J.P. Johnson, WSBA# 40476 for Michael G. Malaier, Chapter 13 Trustee